

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 12/09/2021

UNITED STATES INTERNATIONAL
DEVELOPMENT FINANCIAL
CORPORATION,

Plaintiff,

v.

FRANCISCO J. GALI,

Defendant.

19-CV-5418 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

A show cause hearing is scheduled in this case on December 10, 2021 at 3:30 p.m. By no later than 12:00 p.m. on December 10, 2021, Plaintiff shall file a letter clarifying whether Plaintiff seeks a liability and/or damages ruling on its second cause of action. If Plaintiff does seek a liability and/or damages ruling on its second cause of action, Plaintiff's letter should also provide further information about the following issues:

1. Whether § 23 of the Guaranty Agreement is an agreement to indemnify against loss or an agreement to indemnify against liability. *See Madeira v. Affordable Hous. Found., Inc.*, 323 Fed. App'x 89, 91 (2d Cir. 2009).
2. How the Jakarta High Court case discussed in Plaintiff's default judgment motion relates to any "losses, claims, damages, penalties, or other costs relating to [the] Guaranty, the Loan, any other Loan document, or the Project." Guaranty Agreement § 23 (Dkt. 46-1 at 16).
3. Whether the Jakarta High Court's reconsideration of its damages ruling against Plaintiff's predecessor is limited to the amount of damages to be awarded, or instead extends to the question of Plaintiff's predecessor's liability.
4. When the Jakarta High Court will issue its final opinion following its reconsideration.

SO ORDERED.

Dated: December 9, 2021
New York, New York



RONNIE ABRAMS
United States District Judge